FBI Agent Says He Didn't Know of Oswald Note

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The FBI official in charge of investigating the deaths of President John F. Kennedy and Lee Harvey Oswald in Dallas immediately after the shootings 15 years ago told the House Assassinations Committee today that he was under orders from FBI Director J. Edgar Hoover to give the Warren Commission everything the bureau had in the way of evidence.

But, under questioning by committee members, former inspector James R. Malley was unable to explain why the Warren Commission was never told that someone in the FBI field office in Dallas had destroyed a note written by Oswald to Special Agent James P. Hosty 10 days before Kennedy was killed on Nov. 22, 1963.

Malley was asked by Rep. Floyd Fithian, D-Ind., whether he ever discussed the note with Dallas Special Agent in Charge Gordon Shanklin during his investigation between Nov. 22 and Dec. 12.

"If I had known about the note, I would have done something about it. I'm sorry he didn't tell me. I didn't know the note existed until I read about it in the newspapers last summer," Malley said.

MALLEY TOLD THE committee he was rushed to Dallas on the first available plane after the world learned of Kennedy's assassination to take charge of the FBI's investigation. When Oswald was shot two days later by nightclub operator Jack Ruby, Malley said, he assumed responsibility for investigating the second murder as well.

Under questioning, Malley resisted the suggestion that Hoover was not pleased by President Lyndon B. Johnson's creation of the Warren Commission or that he considered the commission's work a "black eye" to the FBI.

"I never heard Mr. Hoover object to the Warren Commission," Malley testified. He told us to exhaustively pursue every aspect. He never said anything except go forward to the Nth degree. Hoover told me to come back from Dallas on Dec. 12 and to get in touch with Chief Counsel J. Lee Rankin of the Warren Commission immediately. I was to handle all contacts with the commission and nothing was to go to them that I hadn't seen. Mr. Hoover made no criticism to me about formation of the Warren Commission. He said he wanted full cooperation with them and told me to give them everything."

CHAIRMAN LOUIS STOKES, D-Ohio, asked Malley about a 1975 House committee interview with the late William C. Sullivan, an assistant director of the FBI who was fired by Hoover. Stokes quoted Sullivan as saying Hoover didn't like to see the Warren Commission come into existence and wanted to limit the scope of its investigation. Malley said he had no knowledge of that and he didn't know where Sullivan got his information.

Stokes asked Malley if the Dallas FBI destroyed the Oswald note to Hosty because Hoover was afraid the Warren Commission would find out about it. Stokes said, according to Sullivan, that the bureau might have failed to establish a relationship between Oswald and the Cubans and if the Warren Commission succeeded in doing this, it would cause serious trouble for the FBI. Malley insisted that he knew nothing of the note Hosty received from Oswald in Dallas.

The note apparently was written by Oswald 10 days before Kennedy's death after Hosty made a routine visit to Oswald's home to question the Soviet defector. Oswald was not home and Hosty has said that he saw only Oswald's wife Marina, and that he left her his telephone number. Testimony has been that the visit infuriated Oswald and that he left a note for Hosty at the Dallas field office demanding that his wife be left alone and threatening to burn the police station if she was bothered again.

ASKED WHETHER he WAS under any pressure for a speedy report on the two killings, Malley said Hoover insisted on issuing some results of the FBI investigation because the director felt the public needed to be "settled down." But Malley said he didn't believe the investigation could be completed in a week even though Hoover had told Johnson the FBI hoped to wrap the case up that quickly.

Two former Secret Service officials told the committee yesterday that the agency knew nothing about Oswald before the assassination, lacked the manpower and equipment to offer better protection for Kennedy and was hampered by restrictions.

Testifying were former Inspector Thomas J. Kelley and former Secret Service Chief James J. Rowley, assistant director of the Secret Service's protective operations.

Kelley and Rowley testified that, although the Secret Service did not know of Oswald, the FBI had some knowledge and the CIA had additional information and Oswald also was know to the State Department.

Had the Secret Service know the totality of Oswald's background, Kelley said, the agency would have been certain to have known what he was doing the day of Kennedy's death.